

BEFORE THE  
PHYSICAL THERAPY BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for  
Reinstatement of Revoked License of:

HALEE CRAIG KNOEFLER,

Petitioner.

OAH No. N2005090571

**PROPOSED DECISION**

This matter was heard before Michael C. Cohn, Administrative Law Judge, State of California, Office of Administrative Hearings, in Oakland, California, on October 27, 2005.

Susan Meadows, Deputy Attorney General, represented the Department of Justice, Office of the Attorney General.

Petitioner Halee Craig Knoefler represented himself.

**FACTUAL FINDINGS**

1. Petitioner Halee Craig Knoefler was issued physical therapist license number PT 11966 on January 9, 1984.

2. In January 2001, the board's executive officer filed an accusation against petitioner, alleging that cause for disciplinary action against him existed because he had been convicted of a felony and a crime substantially related to the qualifications, functions, or duties of a physical therapist. In particular, it was alleged that on October 21, 1999, petitioner had been convicted of a felony violation of Health and Safety Code section 11377, subdivision (a) (possession of a controlled substance); that entry of judgment was deferred and petitioner was ordered to complete a drug diversion program; that petitioner subsequently failed to appear for a court-ordered diversion hearing; and that on June 2, 2000, diversion was terminated, criminal proceedings were reinstated, and a bench warrant was issued for petitioner's arrest. It was further alleged that the facts and circumstances leading to the conviction were that during a traffic stop on October 13, 1999, a police officer found approximately one gram of methamphetamine in petitioner's car; that petitioner admitted he had used the drug earlier in the day; that the officer observed that petitioner appeared to be under the influence of a stimulant; and that petitioner was charged with three felonies: Health

and Safety Code sections 11379, subdivision (a) (transporting a controlled substance); 11377, subdivision (a) (possession of a controlled substance); and 11550, subdivision (a) (under the influence of a controlled substance).

3. Petitioner failed to file a notice of defense to the accusation, which failure acted as a waiver of his right to a hearing. The board then issued a default decision finding that all the allegations in the accusation were true. Petitioner's license was revoked effective April 25, 2002.

4. On May 5, 2005, petitioner filed this petition for reinstatement of his license.

5. At a party in the mid-1990's, petitioner made the "terrible mistake" of trying methamphetamine. He became addicted to the drug, which soon became more important to him than anything else. After having worked at Golden West Physical Therapy Services for almost 10 years, during which time he had become a supervisor of other physical therapists, occupational therapists, and aides, petitioner lost his job in 1998 when he began missing work, showing up late, and having difficulty solving simple problems. Petitioner's drug addiction also caused him to lose the five houses he owned.

6. After he was terminated from diversion in June 2000, petitioner was placed on criminal probation. One of the terms of that probation was submission to chemical testing. On September 11, 2002, petitioner tested dirty, was arrested, and was found in violation of probation. In jail, petitioner was afforded the opportunity to participate in an intensive two-year drug program as an alternative to a like period in prison. Petitioner testified that he thought of all he had thrown away, and how hard his mother had worked to allow him to attend physical therapy school. He decided to change his life and attend the program.

7. In October 2002 petitioner entered the two-year drug treatment program of the Recovery Opportunity Center (ROC), operated by the Riverside County Department of Mental Health. The program consists of one year of intensive primary treatment and one year of aftercare. Petitioner was drug-tested daily during the first several weeks of the primary program. For the remainder of that one-year portion of the program he was tested at least twice a week. The primary treatment program required petitioner to attend group meetings daily, as well as NA and AA meetings. After he was permitted to get a job about seven months into the program, his attendance at group meetings was reduced to twice a week. In the aftercare program, petitioner attended weekly meetings.

Petitioner graduated from ROC's primary program in December 2003 and the aftercare program in January 2005. His progress in treatment was "above average." All his drug tests were clean. Petitioner now participates in ROC's alumni association. He attends weekly meetings and occasionally works with those currently undertaking the ROC program.

8. Petitioner is an active participant in NA. He goes to three or four NA meetings each week. He has a sponsor, and he sponsors a couple of others. He serves as secretary of a weekly meeting.

9. Petitioner has not used drugs or alcohol since his September 11, 2002 arrest for a probation violation. He has now been clean and sober for more than three years.

10. Petitioner's NA sponsor owns a pet grooming business. Petitioner worked there from July 2003 until August 2005, when he went to live with his sister in Georgia for two months. While there, petitioner attended 12-step meetings.

11. Since February 2005 petitioner has been volunteering as a physical therapy aide at Crestview Convalescent Center. He works under the direct supervision of Brandon Strahan, RPT, for whom he had previously worked at Golden West Physical Therapy Services. Strahan reported that at Crestview petitioner shows up on time, works well with staff and patients, and follows through on all assignments given him. Petitioner volunteered at Crestview once or twice a week, for a total of five or six hours, until he went to Georgia. Since his return, petitioner has been volunteering there five days a week. He undertook this volunteer work in order to regain his physical therapy skills since he had been out of the profession since 1998.

12. In April 2005 petitioner's felony conviction was dismissed pursuant to Penal Code section 1203.4.

13. Petitioner would like to have his license restored so that he can contribute to society and return to work in the profession in which he was trained. Strahan reported that he is willing to serve as a supervising physical therapist for petitioner if his license is restored.

### LEGAL CONCLUSIONS

Following a decade of successful practice as a physical therapist, petitioner got caught up in addiction to methamphetamine. Several years of addiction resulted in the loss of his career and his homes. He was arrested for drug use, was unable to successfully participate in diversion, and continued to use the drug until his arrest for a probation violation in 2002. Since then, petitioner has successfully turned away from drugs and alcohol. He participated in a two-year intensive drug treatment program. He became an active member of NA. He continues to participate in the ROC alumni association, including helping others seeking to recover from addiction. Perhaps most importantly, petitioner has remained clean and sober for three years, which is equal to about half the time he was actively addicted. Considering all this, it is determined that it would not be against the public interest to restore petitioner's physical therapist license upon the terms and conditions set forth below.

## ORDER

The petition of Halee Craig Knoefler for reinstatement of licensure is granted. Physical therapist license number PT 11966 shall be reinstated. However, the license shall be immediately revoked, the order of revocation stayed, and petitioner placed on probation for a period of three years on the following conditions:

1. *Diversion Program* – Within 15 days from the effective date of this decision, petitioner shall enroll and participate in the board’s diversion program at petitioner’s cost until the board determines that participation in the program is no longer necessary. Failure to comply with requirements of the diversion program, terminating the program without permission, or being expelled for cause, shall constitute a violation of probation.

Petitioner shall not practice as a physical therapist until he has been evaluated by and accepted into the diversion program.

Failure to comply with any component of this condition as specified above is a violation of probation.

2. *Restriction of Practice – Supervision Required* – Petitioner shall only practice physical therapy under the supervision of a physical therapist who holds a valid unrestricted license, and who is responsible for the care rendered.
3. *Restriction of Practice – Home Care* – Petitioner shall not provide physical therapy services in a patient’s home.
4. *Restriction of Practice – Solo Practice* – Petitioner shall be prohibited from engaging in the solo practice of physical therapy.
5. *Restriction of Practice – Administration or Possession of Controlled Substances* – Petitioner shall not administer or possess any controlled substances as defined in the California Uniform Controlled Substances Act. This prohibition does not apply to medications lawfully prescribed to petitioner for a bona fide illness or condition by a practitioner licensed to prescribe such medications.
6. *Prohibition of Possession or Use of Controlled Substances* – Petitioner shall abstain completely from the personal use or possession of controlled substances as defined in Business and Professions Code section 4211, or any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to petitioner for a bona fide illness or condition by a practitioner licensed to prescribe such medications.

Failure to comply with any component of this condition as specified above is a violation of probation.

7. *Prohibition of the Use of Alcohol* – Petitioner shall abstain completely from the use of alcoholic beverages.

Failure to comply with any component of this condition as specified above is a violation of probation.

8. *Biological Fluid Testing* – Petitioner shall immediately submit to biological fluid testing, at petitioner's cost, upon the request of the board or its designees.

Failure to comply with any component of this condition as specified above is a violation of probation.

9. *Obey all Laws* – Petitioner shall obey all federal, state, and local laws, and all statutes and regulations governing the practice, inspections, and reporting of physical therapy in California, and shall remain in full compliance with any court-ordered criminal probation.

10. *Compliance with Orders of a Court* – Petitioner shall be in compliance with any valid order of a court. Being found in contempt of any court order is a violation of probation.

11. *Compliance with Criminal Probation and Payment of Restitution* – Petitioner shall not violate any terms and conditions of criminal probation and shall be in compliance with any restitution ordered, payments or other orders.

12. *Quarterly Reports* – Petitioner shall submit quarterly reports under penalty of perjury on forms provided by the board, stating whether there has been compliance with all conditions of probation.

13. *Probation Monitoring Program Compliance* – Petitioner shall comply with the board's probation monitoring program.

14. *Interview with the Board or Its Designee* – Petitioner shall appear in person for interviews with the board, or its designee, upon request at various intervals.

15. *Notification of Probationer Status to Employers* – Petitioner shall notify all present or future employers of the reason for and the terms and conditions of probation by providing a copy of the initial probationary license, accusation, and this decision and order to the employer.

16. *Notification of Change of Name or Address* – Petitioner shall notify the board, in writing, of any and all name and/or address changes within 10 days.

17. *Restriction of Practice – Temporary Services Agencies* – Petitioner shall not work for a temporary services agency or registry.
18. *Restriction of Practice – Clinical Instructor of Physical Therapy Student Interns or Foreign Educated Physical Therapist License Applicants Prohibited* – Petitioner shall not supervise any physical therapy student interns or foreign educated physical therapist license applicants during the entire period of probation. Petitioner shall terminate any such supervisory relationship in existence on the effective date of this probation.
19. *Prohibited Use of Aliases* – Petitioner shall not use aliases and shall be prohibited from using any name which is not his legally-recognized name or based upon a legal change of name.
20. *Intermittent Work* – If petitioner works less than 192 hours as a physical therapist or a physical therapist assistant in the physical therapy profession in a period of three months, those months shall not be counted toward satisfaction of the probationary period. Petitioner shall notify the board if he works less than 192 hours in a three-month period.
21. *Tolling of Probation* – The period of probation shall run only during the time petitioner is practicing or performing physical therapy within California. If, during probation, petitioner does not practice or perform physical therapy within California, petitioner is required to immediately notify the probation monitor in writing of the date that petitioner is out of state, and the date of return, if any. Practicing or performing physical therapy by petitioner in California prior to notification to the board of petitioner's return will not be credited toward completion of probation.
22. *Violation of Probation* – If petitioner violates probation in any respect, the board, after giving petitioner notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against petitioner during probation, the board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.
23. *Request to Surrender License Due to Retirement, Health or Other Reasons* – Following the effective date of this probation, if petitioner ceases practicing or performing physical therapy due to retirement, health or other reasons or is otherwise unable to satisfy the terms and conditions of probation petitioner may request to surrender his license to the board. The board reserves the right to evaluate petitioner's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the

terms and conditions of probation shall be tolled until such time as the license is no longer renewable, petitioner makes application for renewal of the tendered license or petitioner makes application for a new license.

24. *Completion of Probation* – Upon successful completion of probation, petitioner's license shall be fully restored.
25. *California Law Examination – Written Exam on the Laws and Regulations Governing the Practice or Performance of Physical Therapy* – Within 90 days of the effective date of this decision, petitioner shall take and pass the board's written examination on the laws and regulations governing the practice of physical therapy in California. If petitioner fails to pass the examination, he shall be suspended from the practice of physical therapy until a repeat examination has been successfully passed.
26. *Practice or Performance of Physical Therapy While on Probation* – It is not contrary to the public interest for petitioner to practice and/or perform physical therapy under the probationary conditions specified in the disciplinary order. Accordingly, it is not the intent of the board that this order, the fact that petitioner has been disciplined, or the fact that petitioner is on probation, shall be used as the sole basis for any third party payor to remove petitioner from any list of approved providers.
27. *Probation Monitoring Costs* – Petitioner shall reimburse all costs incurred by the board for probation monitoring during the entire period of probation. Petitioner will be billed at least quarterly. Such costs shall be made payable to the Physical Therapy Board of California. Failure to make ordered reimbursement within 60 days of the billing shall constitute a violation of the probation order.

DATED: November 2, 2005

Original Signed By: \_\_\_\_\_  
MICHAEL C. COHN  
Administrative Law Judge  
Office of Administrative Hearings

**BEFORE THE  
PHYSICAL THERAPY BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Petition for )  
Reinstatement of Licensure Against: )  
HALEE CRAIG KNOEFER )  
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Case #: 1D 2005 64249  
OAH No.: n2005090571

The foregoing Proposed Decision, in case number 1D 2005 64249, is hereby adopted by the Physical Therapy Board, Department of Consumer Affairs, State of California.

This decision shall become effective on the 30th day of December, 2005.

It is so ordered this November 30, 2005 .

Original Signed By:  
Donald A. Chu, P.T., President  
Physical Therapy Board  
of California